

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.10241 of 2018

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Sanjay Kumar, Son of Laljee Singh, Resident of Village- Niranjanpur, P.O.-
Parbatpur, P.S.- Chainpur, District- Kaimur at Bhabua.

.... Petitioner/s

Versus

1. The State of Bihar.
2. The District Magistrate, Bhabua, District- Kaimur at Bhabua.
3. The Sub-Divisional Officer, Bhabua, District- Kaimur at Bhabua.
4. The District Arms Magistrate, Bhabua.
5. The Superintendent of Police, Bhabua, District- Kaimur at Bhabua.
6. The Officer-in-Charge of Police Station, Chainpur, District- Kaimur at
Bhabhua.

.... Respondent/s

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Appearance :

For the Petitioner/s : Mr. Rajani Kant Pandey, Advocate
For the Respondent/s : Mr. Partha Sarthi- GA4
Mr. Kumar Bikram, AC to GA4

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR
SINGH**
ORAL ORDER

02/ 21-06-2018

Heard Mr. Rajani Kant Pandey, learned
counsel for the petitioner and Mr. Kumar Bikram, learned AC to
GA-4.

Since the present writ application has been
registered on 21.05.2018 but no counter affidavit has been filed till
date hence, this Court is not inclined to adjourn the matter any
further.

The present Writ application has been filed
for a direction to the respondent authorities, particularly,



Respondent no. 2, District Magistrate, Kaimur at Bhabua to take a final decision on the application of the petitioner submitted for grant of licence for revolver which is pending since 2010.

It is submitted by learned counsel for the petitioner that the petitioner submitted his application for grant of licence for revolver in 2010 before the licensing authority since the petitioner is a resident of Naxal affected area. Consequently in 2013 the Superintendent of Police, Kaimur at Bhabua vide letter No. 54 dated 19.02.2013 transmitted the police report recommending the case of the petitioner. On 28.01.2016 the District Magistrate, Kaimur at Bhabua after several reminders again called for a report from the S.P., Kaimur at Bhabua but till date no final decision has been taken.

Learned counsel for the respondents submits that if decision has not been taken till date, then it will be taken within a time frame as directed by this Court.

The issue in the present writ application is whether the licensing authority can keep the application for grant of licence pending, for an indefinite period. It is true that Arms Act, 1959 or Rule 51 of Arms Rules, 1962 did not prescribe time schedule for taking a decision on application submitted for grant of licence. However, this Court on several occasions directed the



licensing authority to dispose of such application for grant of licence within two months in which police report has been received and in four months wherein the police report is awaited. Similar advisory was also issued by the Department of Home, Govt. of Bihar, but it appears that it did not bear any impact on the licensing authority. Hence, legislature thought it proper to prescribe a time schedule for submitting police report and the licensing authority to take final decision on the application for grant of licence while framing Arms Rules, 2016. Under Rule 14 of Arms Rules, 2016, the period of thirty days has been prescribed for transmitting the police report to the licensing authority and under Rule 13 the licensing authority has been given liberty to take a decision by speaking and reasoned order within two months of the receipt of the police report. It is high time that licensing authority should take a decision in the present case as application of the petitioner has remained pending before the licensing authority since 2010. Hence, it appears that the action or inaction of Respondent no. 2 is in derogation to the statutory mandate.

In the circumstances, it is expected from Respondent no. 2, District Magistrate, Kaimur at Bhabua to take a final decision on the application of the petitioner by speaking and reasoned order in view of the provisions of Rules, 13 and 14 of



Arms Rules, 2016 within six weeks from the date of receipt/production of a copy of this order.

Accordingly, this Writ application is disposed of.

(Dinesh Kumar Singh, J)

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